

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT
N.D. OF N.Y.
FILED
JUN 30 2003

J. DANIEL LUGOSCH, et al.,

Plaintiffs,

v.

ROBERT J. CONGEL, et al.,

Defendants.

LAWRENCE K. BAERMAN, CLERK
ALBANY

Civil Action No. 00-CV-0784 (NAM-RFT)

**SECOND AMENDED JOINT STIPULATION AND ORDER
REGARDING DISCOVERY DEADLINES**

Plaintiffs J. Daniel Lugosch, III, Robert L. Ungerer, John A. Bersani, Edward A. Kellogg, John C. Charters, Peter S. Steingraber, William Tapella and Richard Askin (collectively, "Plaintiffs"), and Defendants Robert J. Congel, James A. Tuozzolo, Robert Brvenik, and Marc A. Malfitano, Pyramid Company of Onondaga, Eklecco L.L.C., Woodchuck Hill Associates, Riesling Associates, Madeira Associates, Moselle Associates, and Scott R. Congel (collectively, "Defendants") hereby stipulate as follows:

1. All discovery shall be completed no later than September 12, 2003.
2. Plaintiffs collectively may take no more than twenty-five total depositions (including depositions that have already been taken), excluding expert depositions. Defendants collectively may take no more than twenty-five total depositions, excluding expert depositions.
3. No deposition may last longer than one day of seven hours.
4. With respect to experts whose opinions may be presented at trial:

- a. No later than April 17, 2003, plaintiffs shall identify such expert(s) and shall serve on the other parties the expert's written report pursuant to Fed. R. Civ. P. 26(a)(2)(B).
- b. No later than May 19, 2003, defendants shall identify such expert(s) and shall serve on the other parties the expert's written report pursuant to Fed. R. Civ. P. 26(a)(2)(B).
- c. No depositions of experts shall be taken until after the exchange of the above expert reports.
- d. No later than June 19, 2003, the parties must identify any and all experts who will contradict or rebut evidence on the same subject matter identified by another party under paragraphs 4(a) and (b) above, and unless waived, shall serve on the other parties such expert's written report pursuant to Fed. R. Civ. P. 26(a)(2)(B).

5. Dispositive motions shall be filed fully briefed no later than November 26, 2003. Motions for summary judgment shall be served by October 3, 2003, with the opposition to those motions served by November 14, 2003 and replies served by November 26, 2003.

6. Motions for summary judgment may not exceed 50 pages, with the opposition to those motions not to exceed 100 pages and replies not to exceed 20 pages. Plaintiffs reserve their right to serve an individual response to each motion that may be made by any defendant or, in the alternative, file one response tentatively totaling 100 pages, with the understanding that plaintiffs reserve their right to petition the Court to increase the total number of pages of their responses.

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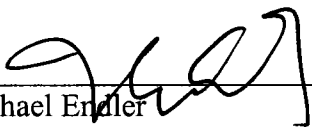
Dated: June 26, 2003

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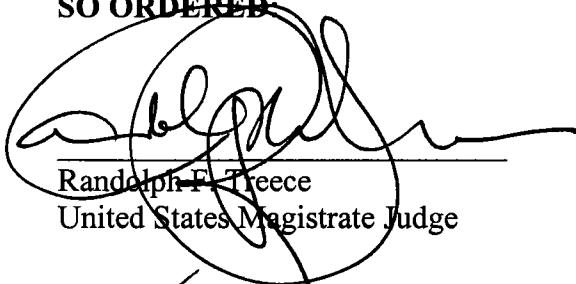


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Dated: June 26, 2003

The schedule set forth herein shall supersede the applicable portions of the schedule set forth in U.S. Magistrate Judge Randolph F. Treece's Order dated April 12, 2003.

SO ORDERED



Randolph F. Treece
United States Magistrate Judge

Dated: Jun 27, 2003

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